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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,670

Applicant(s)

BRODY, MOSHE

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-24, 26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-24, 26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-9, 11, 13-24, 26, 28-33 are pending.
2. Amendment filed 08/18/2005 has been received and considered.

Claim Rejections - 35 USC § 101

1. The rejections under 35 U.S.C. 101 have been withdrawn based on the filed amendments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 8-9, 11, 15-17, 21-22, 24, 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 6081790), further in view of Drummond et al (US 6289320) further in view of Menezes (Handbook of Applied Cryptography) further in view of Cook (US 6675153), further in view of Müller (A Survey

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of Programming Techniques, and further in view of Gong (Inside Java 2 Platform Security).

As per claims 1, 24, and 28, Rosen discloses a personalization for identifying the customer, said personalization incorporated into the information stream to delivery to the customer and prior to receipt of the published software by the customer, and containing pre-existing personal information fundamentally related to the customer including the name of the customer (see column 4 lines 29-35).

Rosen fails to disclose using the personalization to authorize use. However Drummond teaches such authorization (see column 14 lines 19-38). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the personalization of Rosen for authorization. Motivation to do so would have been allow operation (see column 14 lines 19-38).

The modified Rosen and Drummond system fails to disclose authenticating the personalization data. However, Menezes teaches such authentication (see page 361). At the time of the invention it would have been obvious to a person of ordinary skill in the art to authenticate the personalization data of Rosen. Motivation to do so would have been to maintain data integrity (see page 361).

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The modified Rosen, Drummond and Menezes system fails to disclose displaying a notification. However, Cook teaches such a notification (see column 19 lines 13-22). At the time of the invention it would have been obvious to a person of ordinary skill in the art to display a notification of authorization in the modified Rosen, Drummond and Menezes system. Motivation to do so would be to allow printing of a receipt (see column 19 lines 13-22).

The modified Rosen, Drummond, Menezes and Cook system fails to disclose the use of modules. However, Müller teaches the use of modules (see pages 3-4). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use modules to perform the tasks of the modified Rosen, Drummond, Menezes and Cook system. Motivation to do so would have been to enable usage of general procedures in other programs (see Müller pages 3-4).

The modified Rosen, Drummond Menezes, Cook, and Müller system fails to disclose the information stream is associated with a deliverable published software. However, Gong teaches such software (see pages 23-25). At the time of the invention it would have been obvious to a person of ordinary skill in the art to apply the personalization of the modified Rosen, Drummond, Menezes, Cook, and Müller system to the deliverable

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published software of Gong. Motivation to do so would have been to protect the user (see pages 23-25).

As per claims 2-4, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the software is able to execute on a plurality of computers (see Gong pages 23-25).

As per claim 5, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the personalization has not usage restriction associated with it (see Rosen column 4 lines 29-35).

As per claim 8, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses authentication using public key cryptosystem (see Menezes page 361).

As per claim 9, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the personalization is in an encrypted form (see Rosen column 4 lines 29-35).

As per claim 11, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the information stream contains at least one executable module, and wherein said personalization is contained within said at least one executable module (see Gong pages 23-25).

As per claim 15, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses upon not detecting a valid personalization, to initiate an action included in the group

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containing: program termination; operating the software in a demonstration mode; and operating the software in a restricted mode (see Drummond column 14 lines 19-38).

As per claim 16, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the information stream contains at least one executable module having an authenticated personalization, and wherein said executable module executes in a secure computer environment operative to validating said authenticated personalization (see Gong pages 23-25).

As per claims 17 and 20, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the Java language (see Gong).

As per claims 21-22, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses using a public key cryptosystem (see Rosen, Drummond, and Menezes as applied above).

As per claim 23, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses personalization data that has been output (see Rosen column 4 lines 29-35).

As per claims 29-33, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses using the Internet, displaying the personalization name in a window (Rosen, Drummond, Menezes, Cook, Müller, and Gong as applied above).

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4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system as applied to claim 1 above, and further in view of Wright (Dynamic Data Structures).

As per claims 6-7, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system fails to disclose the personalization does not have a fixed address and extent within the information stream.

However, Wright teaches such limitations (see pages 2-3).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Wright's method of dynamically allocating memory for the personalization of the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system.

Motivation to do so would have been to allow memory to be allocated at execution time (see page 2).

5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system as applied to claim 17 above, and further in view of Sommerer (The Java Archive (JAR) File Format).

As per claim 18, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system fails to disclose the deliverable published software being contained in a Java archive.

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However, Sommerer teaches the use of a JAR file (see Sommerer).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Sommerer's JAR file to hold the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system's computer code.

Motivation to do so would have been that the JAR format allows for compression (see Sommerer page 1).

As per claim 19, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system discloses the JAR file is signed (see Sommerer page 1).

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system as applied to claim 1 above, and further in view of Pratt (US 6070254).

As per claims 13-14, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system fails to disclose validating an output file and an execution module.

However, Pratt teaches validation (see column 4 lines 22-32).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Pratt's validation

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to validate the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system's output and module.

Motivation to do so would have been to determine if an error has been detected which requires modification of the data (see column 4 lines 33-40).

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system as applied to claim 24 above, and further in view of Sommerer.

As per claim 26, the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system fails to disclose incorporating said executable module within a Java archive; and authenticating said Java archive with an archive signature.

However, Sommerer teaches these limitations (see page 1).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Sommerer's JAR file to hold the modified Rosen, Drummond, Menezes, Cook, Müller, Gong system's computer code.

Motivation to do so would have been that the JAR format allows for compression (see Sommerer page 1).

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 and 11, 13-24, 26, 28-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP


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